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| FORM PTO-1390 (REV. 1-98) TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE ATTORNEY'S DOCKET NUMBER 46739/252170 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/744,493 |
| INTERNATIONAL APPLICATION NO. PCT/US99/16648 | INTERNATIONAL FILING DATE 22 July 1999 (22.07.99) | PRIORITY DATE CLAIMED 22 July 1998 (22.07.98) |
| TITLE OF INVENTION THREADED CYLINDRICAL MULTIDISCOID SINGLE OR MULTIPLE ARRAY DISC PROSTHESIS | | |
| APPLICANT(S) FOR DO/EO/US BRYAN, Vincent and KUNZLER, Alex | | |
| <p>Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 37 (b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> A translation of the published International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes of the International Preliminary Examination Report under PCT Article 36</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.197 and 1.98</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment.</p> <p><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> a. Certification Under 37 CFR 1.10 b. Petition for Extension of Time c. Form PCT/DO/EO/905 d. Form PCT/DO/EO/917 </p> | | |
| <p>I hereby certify that this document is being mailed to Box PCT, Assistant Director for Patents, Washington, D.C. 20231, via "Express Mail Post Office to Addressee" on this 19th day of June, 2001, Express Mail Label No. EL602994805US</p> <p><i>Angela M. Rossi</i> Angela M. Rossi</p> <p>06/22/2001 ANGUYEN 00000152 09744493</p> | | |

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| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/744,493 | INTERNATIONAL APPLICATION NO. PCT/US99/16648 | ATTORNEY'S DOCKET NUMBER 46739/252170 | | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): | | CALCULATIONS PTO USE ONLY | | |
| Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)/2) paid to USPTO and International Search Report not prepared by the EPO or JPO | | \$1,000.00 | | |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | | \$860.00 | | |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2) paid to USPTO | | \$710.00 | | |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | | \$690.00 | | |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | | \$100.00 | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT | | = \$0.00 | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$130.00 | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ |
| Total claims | | | X \$18.00 | \$0.00 |
| Independent claims | | | X \$78.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | +\$260.00 | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS | | = | \$130.00 | |
| Reduction of $\frac{1}{2}$ for filing by small entity | | -- | | \$(65.00) |
| | | SUBTOTAL | = | \$65.00 |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | \$0.00 | |
| TOTAL NATIONAL FEE | | = | \$65.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property | | | \$0.00 | |
| TOTAL FEES ENCLOSED | | = | \$65.00 | |
| | | Amount to be refunded: | \$ | |
| | | charged: | \$ | |
| <p>a. <input checked="" type="checkbox"/> Checks in the amounts of \$65.00 and \$445.00 are enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 11-0855 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0855.</p> | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status. | | | | |
| Customer Bar Code Label | |  | | |
| SEND ALL CORRESPONDENCE TO: | | <u>Kristin D. Mallatt</u> | | |
| John S. Pratt, Esq. | | SIGNATURE | | |
| PATENT TRADEMARK OFFICE | | | | |
| KILPATRICK STOCKTON LLP | | Name: Kristin D. Mallatt | | |
| 1100 Peachtree Street, Suite 2800 | | Registration No. 46,895 | | |
| Atlanta, Georgia 30309-4530 | | | | |



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

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| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/744493 | BRYAN | V 46739/252170 |

JOHN S. PRATT, ESQ.
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| INTERNATIONAL APPLICATION NO. | |
| PCT/US99/16648 | |
| I.A. FILING DATE | PRIORITY DATE |
| 22 JUL 99 | 22 JUL 98 |
| DATE MAILED: 21 FEB 2001 | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
 - a Designated Office (37 CFR 1.494),
 - an Elected Office (37 CFR 1.495):
 - U.S. Basic National Fee.
 - Copy of the international application in:
 - a non-English language.
 - English.
 - Translation of the international application into English.
 - Oath or Declaration of inventors(s) for DO/EO/US.
 - Copy of Article 19 amendments.
 - Translation of Article 19 amendments into English.
 - The International Preliminary Examination Report in English and its Annexes, if any.
 - Translation of Annexes to the International Preliminary Examination Report into English.
 - Preliminary amendment(s) filed _____ and _____
 - Information Disclosure Statement(s) filed _____ and _____
 - Assignment document.
 - Power of Attorney and/or Change of Address.
 - Substitute specification filed _____
 - Verified Statement Claiming Small Entity Status.
 - Priority Document.
 - Copy of the International Search Report and copies of the references cited therein.
 - Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
 - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

PCT/DO/EO/917 Notice of Defective Translation
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

Deborah Williams
Telephone: 703-305-3744

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/744493 | BRYAN V | 46739/252170 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/US99/16648 | | |
| IA. FILING DATE | | PRIORITY DATE |
| 22 JUL 99 | | 22 JUL 98 |
| DATE MAILED: 21 FEB 2001 | | |

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence or each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Deborah Williams
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